IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8235 OF 2003

Mr.Bhagawan Dhaku Patole.. ... ... Petitioner.

Versus

The Bank of India & Ors.... ... Respondents.

Mr. Jaydeep Deo for the Petitioner.

Mr. R. S. Pai with Ms. S.Joshi i/by
M/s.Haresh Mehta & Co. for Respondents.

CORAM : V.G. PALSHIKAR, and
V.R.KINGAONKAR, JJ.

DATED : 28TH FEBRUARY, 2006.

P.C.:

By this petition, the Petitioner has challenged the action of the Respondent - Bank of India in giving the petitioner punishment of misconduct allegedly proved. The Petitioner has also pursued the departmental appeal but was unsuccessful. Hence this Petition.

2. However, after the judgment rendered by the Supreme Court of India in the matter of **Federal Bank Limited v/s Sagar Thomas & Others,** reported in 2003

Vol. III CLR page 801, a writ petition in such circumstances of misconduct and termination is not tenable. The petition is, therefore, liable to be disposed of on the ground of maintainability itself. It is, however, made clear that if the Petitioner has any other remedy, he shall be at liberty to pursue the same. This petition is, accordingly, disposed of. Rule discharged. No order as to costs.

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